

TO THE APPLICANT:

To assist you in completing your land use request, application and affidavit forms and explanatory materials are attached for your use. Please follow the instructions carefully, as no application will be processed until all required materials are submitted to the Zoning Office (Room 101, City Hall).

Once a fully completed application package is received by the Zoning Office, the request will be evaluated and a staff report with a recommendation prepared. The report will be forwarded to the appropriate review body (City Council, Planning Commission, or Board of Zoning Appeals) for the required public hearing. The entire process, from application submittal to final action, takes approximately three months. Some applications will be processed in a shorter period of time, some longer, depending on the complexity of the application.

If you have any questions pertaining to the application process or zoning requirements in the City, please contact the Zoning Office at (703)385-7820.

Very truly yours,

Suzanne M. Cotellessa, AICP  
Zoning Administrator

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### **IMPORTANT PHONE NUMBERS**

Site Plan Coordinator	385-7892
Site Plan Inspector	385-7828
Fire Marshall/Building Official	385-7830
Public Works Director	385-7810
Planning Director	385-7930
Zoning Administrator	385-7820
Commissioner of Revenue	385-7884
Treasurer	385-7900
Utilities	385-7920

## **LAND USE APPLICATION**

## **INSTRUCTIONS CITY OF FAIRFAX**

All applicants are required to complete an application form and affidavit. Other documents and information may be required by the Zoning Administrator based on the nature of the application. Your application will be scheduled for hearing when all of the following are submitted to the Zoning Office.

- ☐ Completed application form and affidavit ( pages 7, 8 and 9)
- ☐ Filing fee in check or money order (see fee schedule on page 6)
- ☐ Certified plat of property bearing a certification date within 6 months of date of filing the application.
- ☐ Twenty (20) copies of floor plans, building elevations, and/or site plans as determined by the Zoning Administrator. If a site plan is submitted, please include an 8 ½" x 11" copy of the plan in addition to the original.
- ☐ A statement of support which includes a description of your request and its compliance with relevant City Code requirements
- ☐ Applications for property development or redevelopment must include the following:
  - ◆ Tax map number of property
  - ◆ Gross area of property
  - ◆ Floodplain area
  - ◆ Net lot area
  - ◆ Building area for each proposed use
  - ◆ Parking (required/provided)
  - ◆ FAR
  - ◆ Building setbacks (required/provided)
  - ◆ Landscape islands provided in parking areas with parking spaces
  - ◆ Dimensions of separation of parking from building/ROW

Applicants requesting the following Special Use Permits must provide additional information as specified. Other applications may also require additional information. Check with the Zoning Office in advance to ensure your submission is complete. Upon submission of a complete application package, the Zoning Office will notify the applicant by mail of a hearing date.

### **DANCING AND ENTERTAINMENT**

- ☐ Days and hours of dancing/entertainment
- ☐ Days and hours of restaurant operation
- ☐ Number of employees per shift
- ☐ Number of seats
- ☐ Number of parking spaces provided
- ☐ Gross floor area
- ☐ Dancing/entertainment floor area
- ☐ Floor area of other entertainment

#### AMUSEMENT ARCADE

- ☐ Days and hours of operation
- ☐ Gross floor area
- ☐ Floor area occupied by amusement machines
- ☐ Floor area occupied by other entertainment uses

#### MAJOR HOME OCCUPATION

- ☐ Days and hours of operation
- ☐ Number of employees
- ☐ Number of off-street parking spaces
- ☐ Gross floor area of house
- ☐ Floor area used for occupation

#### NURSERY SCHOOL OR DAY CARE

- ☐ Days and hours of operation
- ☐ Number of hours of operation
- ☐ Number of employees

- ☐ Number of off-street parking spaces
- ☐ Square footage of outdoor play area
- ☐ Square footage of indoor play area
- ☐ The applicant is responsible for knowledge of and compliance with City and State regulations regarding home childcare and childcare centers

#### AUTO REPAIR FACILITY

- ☐ Gross floor area of business
- ☐ Number of work bays
- ☐ Number of employees
- ☐ Methods of recycling and waste disposal
- ☐ Number of parking spaces

#### TELECOMMUNICATION FACILITIES OVER 65 FEET

## APPLICATION FEE SCHEDULE

### Special Use Permits

\$ 800.00	City Council - Commercial - plus \$50.00 for each additional special use requested for the subject property on the same application
300.00	City Council - Commercial Renewal
150.00	City Council - Residential - plus \$50.00 for each additional special use requested for the subject property on the same application
150.00	City Council - Residential Renewal
500.00	Board of Zoning Appeals - Commercial
100.00	Board of Zoning Appeals - Renewal
1,200.00	Planning Commission/City Council - Cluster plus \$100.00 per acre or fraction thereof

### Variances

\$ 85.00	Board of Zoning Appeals/Residential District
300.00	Other Districts

### Special Exception

\$ 800.00	City Council - Commercial - plus \$50.00 for each additional special exception on the same application
85.00	City Council/Board of Zoning Appeals - Residential - plus \$50.00 for each additional special exception on the same application
300.0	City Council - Signs - plus \$50.00 for each additional special exception requested for the subject property on the same application

Application No. \_\_\_\_\_

**LAND USE APPLICATION  
CITY OF FAIRFAX**

I/We \_\_\_\_\_ by \_\_\_\_\_

(name of applicant)

(authorized agent's name and relationship to applicant)

a *corporation / general partnership / limited partnership / sole proprietorship/individual* (circle one) which is the  
*property owner / contract purchaser / lessee* (circle one)

of \_\_\_\_\_

(name and address of subject property)

hereby apply for a Special Use Permit/Special Exception/Variance (circle one) pursuant to

Section \_\_\_\_\_ of the City Code to allow (describe request) \_\_\_\_\_

City Code References:

(Signature of Applicant or Authorized Agent)

(Title or Relationship)

Address \_\_\_\_\_ Phone \_\_\_\_\_

***THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER***

I/We \_\_\_\_\_ by \_\_\_\_\_ hereby certify that the applicant  
named above has the authority vested by me to make this application.

(Signature of Owner or Authorized Agent)

(Title or Relationship)

Address \_\_\_\_\_ Phone \_\_\_\_\_

**FOR OFFICE USE ONLY**

Proposal filed \_\_\_\_\_ Received by \_\_\_\_\_

Fee Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Previous Cases \_\_\_\_\_

Current status of business license and fees:

Treasurer \_\_\_\_\_

Commissioner of Revenue \_\_\_\_\_

**AFFIDAVIT  
CITY OF FAIRFAX**

I, \_\_\_\_\_, by \_\_\_\_\_ do hereby make oath or affirmation (name of applicant or agent)

I am an applicant in Application Number \_\_\_\_\_ and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

Name	Address	Relationship
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(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name:

Name	Address	Relationship
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Corporation Name:

Name	Address	Relationship
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(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

Partnership Name:

Name	Address	Relationship
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2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

WITNESS the following signature:

Applicant

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, in the State of \_\_\_\_\_.

My commission expires \_\_\_\_\_.

Notary Public

## **RELEVANT ZONING REGULATIONS**

*Some Special Use Permits and Special Exceptions may be regulated by additional zoning requirements. Please discuss your application with the Zoning staff to ensure your application and statement of support reflect those requirements.*

### **Special Use Permits/Special Exceptions:**

Section 26-103(c)(1-13): The City Council/Board of Zoning Appeals may grant Special Use Permits/Special Exceptions only after considering:

1. Consistency with the comprehensive plan and other adopted city goals and policies;
2. The size and shape of the lot on which the use is proposed;
3. Vehicular and pedestrian traffic;
4. Trip generation characteristics of the proposed use;
5. Site design;
6. Lighting, noise, traffic, sight, smoke, dust, odor, vibration and other factors which may affect the serenity of the neighborhood;
7. The safety and movement of vehicular traffic upon adjacent streets;
8. The safety and welfare of residents living in the area;
9. The location, height and design of buildings, walls, fences and landscaping proposed;
10. Overall impact of the proposed use upon the development and use of adjacent land;
11. Safety and welfare of persons working in the neighborhood;
12. Harmony of the proposal with the general purpose and intent of the applicable Article of the Zoning Ordinance; and
13. The purposes of zoning ordinances set forth in Section 15.1-489 of the Code of Virginia.

Section 26-103(d): The City Council/Board of Zoning Appeals may impose conditions upon any Special Use Permit/Special Exception as deemed necessary in the public interest to secure compliance with the criteria of Section 26-103(c).

### **Special Exceptions to Residential Yard Requirements:**

Section 26-103.3(e): The Board of Zoning Appeals may grant a Special Exception only after determining that the application meets the following criteria:

1. The site for the proposed use is adequate in size and shape, and the proposed use will not negatively affect adjacent property or the surrounding area; and
2. The special exception will not be inconsistent with the objectives specified in the Comprehensive Plan; and
3. The applicant has demonstrated that the requirements of this chapter are unreasonable or impractical due to unusual building design, lot shape or mature vegetation; or there are practical siting constraints where original placement of the dwelling on the lot prohibits reasonable improvements that meet existing requirements; and

4. The proposed structural modifications meet sound residential design objectives to:
  - a. Minimize loss of privacy on neighboring properties; and
  - b. Maximize image of quality residential development to the street frontage; and
  - c. Maximize window area from living rooms, dining rooms, kitchens, dens and family rooms facing the street, within the context of the existing building design; and
  - d. Avoid reduction of light and air to neighboring properties; and
  - e. Minimize development of front yard areas as driveways.

The Board of Zoning Appeals may impose conditions upon any Special Exception as deemed necessary in the public interest to secure compliance with the above criteria.

### **Variances:**

Section 26-220(b): When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance from which this chapter is derived, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such Variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all Variances shall be in harmony with the intended spirit and purpose of this chapter.

No such Variance shall be authorized by the Board unless it finds:

1. That the strict application of the Code would produce undue hardship, and
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity, and
3. That the authorization of such Variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the Variance, and
4. That the condition or situation of the property concerned or intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.